

Recommendations for Mercury Variance Workgroup

A. Participants in a workgroup

1. Indiana Wildlife Federation/National Wildlife Federation
2. Indiana Department of Health
3. Office of Air Quality/mercury air emissions inventory
4. Office of Land Quality/mercury releases to land
5. TRI mercury releases and trends

B. Characterization of the problem and the policy issues involved.

1. Lack of data on actual levels of mercury in Indiana waters. Policy decision requires regulated community to gather end of pipe data using new mercury test and IDEM to test for ambient levels to accurately determine whether a statewide variance is necessary and good public policy.

2. POTWs with pretreatment programs require indirect dischargers to test for mercury using the new test.

3. Examination of pollution prevention options for all media to initiate a multimedia approach to mercury reductions.

4. See also A., # 3,4, and 5.

5. Major policy decision is use of statewide versus individual variance, if supported by the data, for existing dischargers.

6. No variances for new dischargers [existing GLI rule].

7. Length of time a mercury variance would last, i.e. one or two permit cycles.

C. The "end of pipe treatment" cost assumptions of \$10,000,000 per pound of mercury must be reexamined and revised as required.

1. The estimate used in Ohio's rules is based on studies done in 1987. Since we all would question use of water quality data over five years old, we must question cost estimates for mercury removal that are that old.

2. EPA should be requested to examine new and emerging technologies for mercury treatment.

3. Position of EPA and comparison with other states may be useful, but should not be controlling for Indiana.

D. At this early stage, timeline with milestones may be premature. For instance, how long will up to date mercury data using the new method, take? Have any prospective variance applicants gathered sufficient data using the new method? Have they been gathered under an appropriate quality assurance program plan [QAPP] and QA/QC'd?

1. The first timeline would be up to date mercury information, perhaps by the end of the year 2003.

2. Completion of item 1 could give us a timeline for deciding whether a statewide variance may be necessary.

3. In order not to continue the delay in reissuing NPDES permits, it may be desirable to issue NPDES permits with the first compliance requirement a sufficient number of samples of both influent and effluent using the new method.

E. The approach to public participation has been spelled out in letters to Tim Method and the Commissioner. Simply stated adequate public participation required financial assistance to participate, independent technical assistance available to the public, and work group meetings around the state. Some participation could be done by conference call [limited size group] and use of videoconferencing, such as IDEM used for MS4 rulemaking.

Charlotte Read, Save the Dunes Council